APPENDIX A

No. 750,608

GEORGE OSER,
Plaintiff
vs.
CARL S. SMITH, HARRIS COUNTY VOTER REGISTRAR,
Defendant
GEORGE POLK and SAM LUCARIO,
Challengers

IN THE DISTRICT COURT OF HARRIS COUNTY, TEXAS
164TH JUDICIAL DISTRICT

Order Concerning Findings of Fact and Conclusions of Law Requested by Plaintiff and Denying in Part Challenger George Polk's Motions Concerning Same

On this the 18th day of December, 1967 came on to be heard Plaintiff's request for findings of fact and conclusions of law and Challenger George Polk's motion to strike and deny Plaintiff's request and came attorneys for Plaintiff and said Challenger and announced ready with reference to said request and said motion and after duly considering pleadings filed herein, this Court's decree, said request and said motion, this Court concludes that Challenger Polk's motion to strike and deny Plaintiff's request for findings of fact and conclusions of law prepared and submitted by Plaintiff are not proper and involve numerous evidentiary matters and not ultimate issues;

It is therefore ORDERED that Challenger Polk's motion to strike and deny Plaintiff's request for findings of fact and conclusions of law be and the same is hereby overruled and denied, to which action of the Court Challenger Polk, then and there, in open court excepted.

It is also ORDERED that the findings of fact and conclusions of law as prepared and submitted by Plaintiff are not sufficient and they are hereby denied, to which action

of the Court the Plaintiff, then and there, in open court excepted, but in response to the request of the Plaintiff I hereby make and file the following, as my findings of fact and conclusions of law herein:

FINDINGS OF FACT

I find that the Plaintiff, George Oser, did not make a reasonable effort or use reasonable diligence to register as a voter during the period October 1, 1966, through January 31, 1967, and that he did not apply for registration as a voter during such period.

CONCLUSIONS OF LAW

(1) This Court has jurisdiction of the parties and of the subject matter of this cause by virtue of Article 5.17a(2) of the Texas Election Code (Article 5.17a(2) Vernon's Annotated Texas Civil Statutes).

(2) Under the provisions of Article 5.11a subdivision (2) of the Texas Election Code (Article 5.11a Vernon's Annotated Civil Statutes of Texas) all persons, otherwise qualified, are required to register each year during the period from the first day of October through the thirty-first day of January following.

(3) The Plaintiff, George Oser, not having registered as a voter during the period provided by law and not having made a reasonable effort to register during such period, is not entitled to register to vote during the voting year from February 1, 1967, through January 31, 1968, at a date later than January 31, 1967, and the registration certificate issued to him by the Registrar was improperly issued and should be cancelled.

SIGNED this 20th day of December, 1967.

/s/ Warren P. Cunningham
Judge

APPENDIX B

No. 750,608

GEORGE OSER, Plaintiff vs. CARL S. SMITH, HARRIS COUNTY VOTER REGISTRAR, Defendant GEORGE POLK and SAM LUCARIO, Challengers	IN THE DISTRICT COURT OF HARRIS COUNTY, TEXAS, 164TH JUDICIAL DISTRICT

On this the 24th day of November, 1967, came on to be heard the above entitled and numbered cause, and came Plaintiff, George Oser, in person and by his counsel of record, Raeburn Norris, Al Schulman and James L. Hippard, and announced ready with reference to plaintiff's appeal from the decision of the Harris County Voter Registrar, Carl Smith, cancelling Plaintiff's 1967 Voter Registration Certificate, the said Registrar also appearing in person and announced ready, and came said Challenger, George Polk, in person and by his counsel of record, Fred W. Moore, and stated in open court that he was not ready and that he had not had an opportunity to prepare the pleadings he desired and asked for a continuance, whereupon the Court directed said Challenger Polk to apply to the presiding district judge, the Honorable Lewis Dickson, for such continuance which was done, but Challengers' request for continuance was denied, to which denial the Challenger excepted in open court, whereupon the Judge of this Court announced that he would proceed to trial inasmuch as an election was imminent, being called for December 5, 1967 and this court directed all parties to proceed to trial which was done and all said parties participated therein, except Sam Lucario who appeared only as a witness; and

After duly considering the pleadings, that is Plaintiff's appeal, the challenge filed by the said George Polk before the said Carl Smith, his decision and the evidence offered by all parties and the argument of counsel, this Court finds that George Oser, Plaintiff, did not properly register and did not diligently comply with the means available to him to register in accordance with the law prior to the 1967 election held by the School Board of the Houston Independent School District and that the decision of said Registrar, Carl Smith, was correct and that said appeal should be denied.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the appeal of George Oser, Plaintiff, is hereby denied and the decision of Carl Smith, Harris County Voter Registrar, Defendant, is hereby affirmed and Plaintiff's 1967 Voter Registration Certificate is hereby cancelled to which ruling of this Court Plaintiff excepted.

Signed and entered this 4th day of December, 1967.

/s/ W. P. Cunningham
Judge

APPROVED:
/s/ F. W. Moore
Attorney for Challenger
George Polk

APPROVED AS TO FORM ONLY:
Raeburn Norris
Al Schulman
James L. Hippard

by .....
Attorneys for Plaintiff